

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6642

BILL NUMBER: HB 1382

NOTE PREPARED: Feb 19, 2013

BILL AMENDED:

SUBJECT: Controlled Substances.

FIRST AUTHOR: Rep. Kirchhofer

FIRST SPONSOR: Sen. Bray

BILL STATUS: As Passed House

FUNDS AFFECTED: ☒ **GENERAL**
☐ **DEDICATED**
☐ **FEDERAL**

IMPACT: State

Summary of Legislation: This bill adds additional drug compounds to Schedules I, II, IV, and V.

Effective Date: July 1, 2013.

Explanation of State Expenditures: This bill adds 16 new compounds to the controlled substances regulated by the Indiana Code. The table below shows the number of added compounds proposed by this bill and the associated criminal penalties for either dealing or possession.

	Schedule I	Schedule II	Schedule IV	Schedule V
Number of Added Compounds	10	4	1	1
Felony for Dealing	Class A or B	Class A or B	Class B or C	Class B or D
Felony for Possession	Class C or D	Class C or D	Class C or D	Class D

Background— The following table shows the possible prison sentences for these felonies.

Felony	Class A	Class B	Class C	Class D
Minimum	20 years	6 years	2 years	6 months
Advisory	30 years	10 years	4 years	1.5 years
Maximum	50 years	20 years	8 years	3 years

Generally, the sentencing court can suspend these crimes so that the offender could be placed on probation.

Mandatory Minimum for Some Offenders – Offenders who are found guilty of dealing in a Schedule I, II, or III controlled substance must serve a mandatory minimum sentence of 20 years in prison if the court finds the person possessed a firearm at the time of the offense, or the person delivered or intended to deliver to another person younger than 18 years of age who was at least three years junior to the person found guilty of dealing and was on a school bus or within 1,000 feet of either: (i) school property; (ii) a public park; (iii) a family housing complex; or (iv) a youth program center (IC 35-50-2-2(4)(Q)).

Commitment Trends – The number of offenders who have been committed to Department of Correction (DOC) facilities between FY 2008 and FY 2012 are shown in the tables below for felony dealing and possession of schedule drugs.

Offenders Committed to DOC Facilities for Dealing Schedule Drugs by Fiscal Year										
	2008		2009		2010		2011		2012	
Felony	Offen- ders	Avg. Sentence	Offen- ders	Avg. Sentence	Offen- ders	Avg. Sentence	Offen- ders	Avg. Sentence	Offen- ders	Avg. Sentence
Class A	4	20.8	6	16.5	28	18.6	24	14.3	16	15.3
Class B	60	7.3	183	6.7	148	7.6	278	6.7	276	7.5
Class C	8	3.4	29	3.2	23	3.8	38	3.5	19	4.6
Class D	2	0.2					2	1.3		
Grand Total	74	7.4	218	6.5	199	8.7	342	6.9	311	7.8

Offenders Committed to DOC Facilities for Possessing Schedule Drugs by Fiscal Year										
	2008		2009		2010		2011		2012	
Felony	Offen- ders	Avg. Sentence	Offen- ders	Avg. Sentence	Offen- ders	Avg. Sentence	Offen- ders	Avg. Sentence	Offen- ders	Avg. Sentence
Class C	42	3.2	29	3.2	27	3.5	60	2.9	50	3.9
Class D	259	1.4	150	1.3	210	1.6	451	1.4	317	1.4
Grand Total	301	1.6	179	1.6	237	1.8	511	1.6	367	1.8

The average expenditure to house an adult offender was \$18,582 in FY 2012. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the marginal cost

for medical care, food, and clothing is approximately \$3,233.90 annually, or \$8.86 daily, per prisoner.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected:

Information Sources: DOC Offender Information System.

Fiscal Analyst: Mark Goodpaster, 317-232-9852.